IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.178 OF 2001

St. Annes High School & Jr. College & Anr. ... Petitioner

V/s.

Mrs. Clare Fernandes ... Respondent

Mr. S.C. Naidu with Mr. Jay Choksi i/b. C.R. Naidu & Co. for the petitioners.
None for the respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 13th December, 2006

P.C.

. When the matter is called out, none present for the respondent. The petitioners have challenged the judgment of the Appellate Authority dated 06.12.2000, whereby the Appellate Authority held that the respondent herein is entitled to gratuity amount. It is the submission on behalf of the petitioners that teacher does not fall within the definition of the employees under Section 2(e) of Payment of Gratuity Act, 1972. The learned counsel draws our attention to a judgment of the Supreme Court in **Ahmedabad (P.) Primary Teachers' Association V/s. Administrative Officer 2004 (1) CLR 495** to contend that the Apex Court after examining the definition has held that a teacher is not an employee within the meaning of Payment of Gratuity Act. Considering the law laid

down by the Supreme Court, the respondents herein are not entitled to gratuity and accordingly this petition will have to be allowed.

2. Rule made absolute in terms of prayer clause (a). There shall be no order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]